

Remarks

Claims 1-69 stand rejected and remain pending. Claims 1 and 48 are amended herein. The Assignee respectfully requests reconsideration of the rejections and requests allowance of claims 1-69.

Claim Amendments

Independent system claim 1 is amended to emphasize that the access device is "configured to communication with the wireline switch *via the wireline communication* and the wireless switch *via the wireless communication*." (Emphasis supplied.) Independent method claim 48 is amended in a similar fashion. Since the "wireline communication" and the "wireless communication" were previously included in the original language of claims 1 and 48, no surrender of subject matter or scope of the claims is intended or suggested by way of the amendments.

Claim Rejection Under 35 U.S.C. § 102

Claims 1-6, 13-21, 23, 24, 26-37, 39, 41-50, 56-61, 63, 64 and 66-69 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,141,356 to Gorman (hereinafter "Gorman"). (Page 2 of the Office action.) The Assignee respectfully traverses the rejection in light of the following discussion.

Independent system claim 1 provides, in part, "an access device configured to communicate with the wireline switch via the wireline communication and the wireless switch via the wireless communication." Independent method claim 48 provides similar limitations. Independent system claim 27 provides, in part, "an access device configured to receive the at least one wireline communication [from the wireline switch] and the at least one wireless communication [from the wireless switch]." Also, independent system claim 36 provides at least "an access transceiver configured to communicate using a wireline communication and a wireless communication." Finally, independent method claim 67 provides, in part, "receiving the at least one wireline communication and the at least one wireless communication at a access device." Thus, an access device or an access transceiver can communicate by way of either wireline communication or wireless communication.

The Office action indicates that Gorman discloses "an access device (62) configured to communicate with the wireline switch and the wireless switch (col. 6, lines 6-23 and col. 8, lines 35-56; figure 3)." (Page 2 of the Office action.) The Assignee respectfully disagrees. The element 62 of Gorman is an ADSL (Asymmetric Digital Subscriber Line) modem coupled with a wireless controller 52 and a POTS (Plain Old Telephone Service) splitter 42. (See Fig. 3.) The ADSL modem 62 communicates with the POTS splitter 42 by way of a high-speed data output/input 48 *by way of existing telephone wiring 61*. (Column 8, lines 17-19.) The ADSL modem 62 also may provide low-speed data to a low-speed data input 51 of the wireless controller 52 via "a connection 80 from the wireline distribution system 60 *using a conventional RJ-11 telephone jack*." (Column 6, lines 12-15; emphasis supplied.) Thus, each connection provided by the ADSL modem 62, including those to the router 63 and the network interface card 82 of the personal computer 82 shown in Fig. 3, are *wired connections*. Thus, since each of independent claims 1, 27, 36, 48 and 67 provide an access device or access transceiver engaging in *wireless* communication, Gorman does not teach or suggest such an access device or transceiver. Thus, the Assignee asserts independent claims 1, 27, 36, 48 and 67 are allowable in view of Gorman, and such indication is respectfully requested.

Also, claims 2-6, 13-21, 23, 24 and 26 depend from independent claim 1, claims 28-35 depend from independent claim 27, claims 37, 39 and 41-47 depend from independent claim 36, claims 49, 50, 56-61, 63, 64 and 66 depend from independent claim 48, and claims 68 and 69 depend from independent claim 67, thus incorporating the provisions of their respective independent claims. Thus, the Assignee these claims are allowable for at least the reasons provided above in support of claims 1, 27, 36, 48 and 67, and such indication is respectfully requested.

Therefore, in light of the foregoing, the Assignee respectfully requests withdrawal of the 35 U.S.C. § 102 rejection of claims 1-6, 13-21, 23, 24, 26-37, 39, 41-50, 56-61, 63, 64 and 66-69.

Claim Rejections Under 35 U.S.C. § 103

Claims 7-12, 22, 25, 38, 40, 51-55, 62 and 65 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gorman in view of well-known prior art. (Page 10 of

the Office action.) The Assignee respectfully traverses the rejection in view of the comments provided above.

Specifically, claims 7-12, 22 and 25 depend from independent claim 1, claims 38 and 40 depend from independent claim 36, and claims 51-55, 62 and 65 depend from independent claim 48, thus incorporating the limitations of their corresponding independent claims. Thus, the Assignee contends that these claims are allowable for at least the reasons provided in support of claims 1, 36 and 48, and therefore respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection.

Conclusion

Based upon the above remarks, the Assignee submits that claims 1-69 are allowable. Additional reasons in support of patentability exist, but such reasons are omitted in the interests of clarity and brevity. The Assignee thus respectfully requests allowance of claims 1-69.

The Assignee believes no fees are due with respect to this filing. However, should the Office determine additional fees are necessary, the Office is hereby authorized to charge Deposit Account No. 21-0765 accordingly.

Respectfully submitted,

Date: 11/27/05


SIGNATURE OF PRACTITIONER

Kyle J. Way, Reg. No. 45,549
Setter Ollila LLC
Telephone: (303) 938-9999 ext. 21
Facsimile: (303) 938-9995

Correspondence address:

CUSTOMER NO. 028004

Harley R. Ball
Sprint Law Department
6391 Sprint Parkway
Mailstop: KSOPHT0101-Z2100
Overland Park, KS 66251-2100